

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

BIG ROCK ASSETS MANAGEMENT,
 LLC,

Plaintiff

v.

MTC FINANCIAL INC. and BANK OF
 AMERICA, N.A.,

Defendants

Case No.: 2:22-cv-01212-APG-NJK

**Order Granting Motion to Expunge Lis
 Pendens**

[ECF No. 13]

Plaintiff Big Rock Assets Management, LLC filed suit in state court to enjoin the foreclosure sale of its property located at 230 E. Flamingo Road, Unit 422 in Las Vegas. ECF No. 1-1. Defendant Bank of America, N.A. removed the action to this court. ECF No. 1. Big Rock filed an emergency motion for a temporary restraining order in this court, which I granted. ECF Nos. 3, 7. I vacated the temporary restraining order during the July 28, 2022 hearing on the motion for preliminary injunction. ECF No. 14. Bank of America moves to expunge the lis pendens. Big Rock opposes. I grant the motion because Big Rock has not shown it is likely to prevail or has even a fair chance of success on the merits. *See Nev. Rev. Stat. § 14.015(3).*¹

I THEREFORE ORDER that defendant Bank of America, N.A.'s motion to expunge lis pendens **(ECF No. 13) is GRANTED.**

¹ Under this section, "the party who recorded the notice must establish to the satisfaction of the court either:

(a) That the party who recorded the notice is likely to prevail in the action; or

(b) That the party who recorded the notice has a fair chance of success on the merits in the action and the injury described in paragraph (d) of subsection 2 would be sufficiently serious that the hardship on him or her in the event of a transfer would be greater than the hardship on the defendant resulting from the notice of pendency."

1 I FURTHER ORDER the lis pendens recorded against the subject property, APN 162-16-
2 810-39, as instrument number 220220719-0000003 is hereby **CANCELLED, DISCHARGED,**
3 **AND EXPUNGED.**

4 I FURTHER ORDER that this order has the same effect as an expungement of the
5 original notice.

6 I FURTHER ORDER that a copy of this order may be recorded with the Clark County
7 Recorder's office.

8 DATED this 15th day of August, 2022.

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ANDREW P. GORDON
UNITED STATES DISTRICT JUDGE

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